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ATTORNEYS FOR PLAINTIFF THERESA LUCARELLI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THERESA LUCARELLI,

Plaintiff,

v.

PAUL DILLARD, et al.,

Defendants.

Case No. C-05-1590 MCC (BZ)

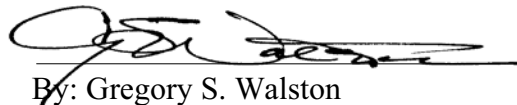
**APPLICATION FOR EXCUSAL
FROM PERSONALLY ATTENDING
SETTLEMENT CONFERENCE**

Plaintiff Theresa Lucarelli respectfully asks to be excused from personally attending the August 3, 2006 settlement conference before the Honorable Bernard Zimmerman, and to appear telephonically instead, because personally attending will impose substantial hardship on her for the reasons set forth in the accompanying declaration of counsel

Dated: June 16, 2006

Respectfully Submitted,

THE WALSTON LEGAL GROUP



By: Gregory S. Walston

ATTORNEYS FOR PLAINTIFF

DECLARATION OF GREGORY S. WALSTON

I, Gregory S. Walston, declare as follows:

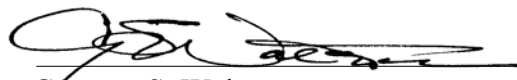
1. I am an attorney licensed to practice in all state courts of California, the United States District Courts for the Northern and Eastern Districts of California, the United States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. I am presently the principal attorney of The Walston Legal Group, and in that capacity, represent plaintiff in this action.

2. Approximately one hour ago, I advised my client, Ms. Theresa Lucarelli, of the August 3, 2006 settlement conference, and further advised her that her attendance at the conference was required. Ms. Lucarelli advised me that it would be very difficult for her to attend this conference because her mother is in intensive care at Sacred Heart Hospital in Eugene, Oregon. Ms. Lucarelli further indicated that it was not clear whether her mother would survive her illness, and she sincerely and understandably wished to be with her during this time.

3. Accordingly, Ms. Lucarelli asks that, in the event these events have not resolved themselves by the time of the August 3, 2006 settlement conference, that she be excused from personally attending the conference, and be allowed to telephonically appear instead.

4. I have contacted opposing counsel's office by telephone to advise him of this development and inquire whether he objected. However, I was not able to immediately reach opposing counsel, as he was out of the office when I called. In order to comply with the Court's order of June 15, 2006 (ordering that a request for excusal from personally appearing must be "lodged as early as the basis for the hardship is known"), I felt it appropriate to promptly bring this matter to the Court's attention.

I declare under penalty of perjury that the foregoing is true and correct and based on my personal knowledge, that I am competent to testify as a witness, and that I would so testify if called as a witness. Executed June 16, 2006, in San Francisco, California.

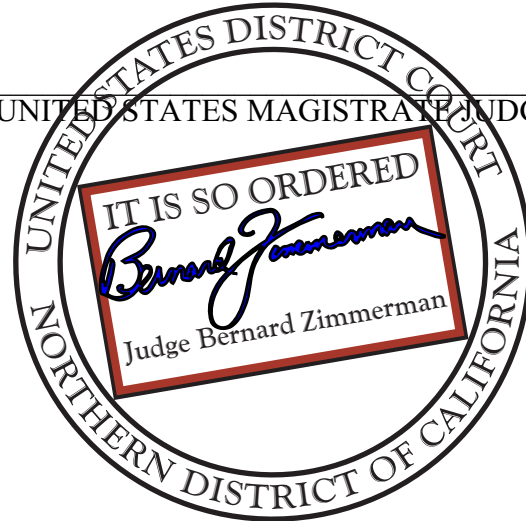

Gregory S. Walston

[PROPOSED ORDER]

Plaintiff's Application is GRANTED. Plaintiff may appear at the August 3, 2006 settlement conference by telephone, unless her mother's condition improves.

Dated: June 27, 2006

UNITED STATES MAGISTRATE JUDGE



The Walston Legal Group
San Francisco • Los Angeles